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STATE OF POLITICAL PARTIES.

SPEECH OF HON. F. K. ZOLLICOFFER, OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, APRIL 8, 1856.

The House being in the Committee of the Whole on the state of the Union—

MR. ZOLLICOFFER said :

MR. CHAIRMAN : When my colleague [Mr. SMITH] had concluded his remarks on Friday, in which he appropriated so large a share of his time to an examination into my personal politics, I immediately sought the floor for reply; but, under a usage which has grown up here, and of which I do not complain, by pre-arrangement the floor had been assigned to other gentlemen; and this, therefore, is the first opportunity I have had to respond.

My colleague brings my political action more prominently before the House than any merit it deserves, and he has been pleased to attribute to me a position of influence in Tennessee such as I do not claim, and to which I have no just title. But I am pleased that, in the searching examination he has made, he has been able to make only such points upon my political record as were founded in a misapprehension of the facts; and I feel obliged to him for thus giving me an opportunity to correct the misapprehensions which have to some extent gone out to the country through the newspapers.

My colleague is mistaken in supposing that I ever called the platform of the American party the "verbiage platform," or that I used the word "verbiage" in reference to that platform at all. I did address the National Council of the American party when the platform was under consideration, and I did use the word "verbiage" in reference to the twelfth section of the platform adopted in June, 1855. I stated that I was for the substance of that twelfth section; that I warmly approved of the principles it embodied; that the people of the Territories, in framing their State constitutions had, and ought to have, the right to determine the character of their own local institutions; and that States thus framed should have the privilege of admission into

the Union, with or without slavery, as they may determine for themselves.

But I said that there was a good deal of verbiage in the section which I did not think at all necessary; and having passed my pencil over the words I did not deem essential, gentlemen who were present will remember that I presented what I designated as the "pith and marrow" of the section. I said further, that I was very willing to adopt the seventh section of what is now called the new platform, in lieu of the twelfth section of the old, because it embodied the same principle—which is the principle asserted in the Nebraska act, as I understand it—though it is but frank to say, that among the supporters of that measure there is a variety of interpretations, among which is one assuming that it recognises the right of a Territorial Legislature to prohibit slavery, which I have always denied.

MR. SMITH, of Tennessee. I do not wish to consume any of my colleague's time. I only ask a question, that he may explain in regard to the point suggested. If the seventh section of the new platform embraced the principle of the twelfth section of the old one, why was the old one abolished and the new one adopted?

MR. ZOLLICOFFER. It may have been because my colleague and the political orators and editors of his party had so fiercely assailed the twelfth section. They professed then, (however much they are now in love with it,) to regard it as a miserably "unsound" section. The official organ of the Administration, the Washington Union, even as late as the 16th February last, denounced it as embodying "a discreditable and inexcusable concession to Abolitionism." The organ of Democracy at Nashville called it a "wishy-washy" concern, which "refused to sanction the principle of the Nebraska bill." These are but samples of a thousand similar assaults throughout the lines of Southern Democracy—while at the North it was actively assailed as a "surrender to the slave power." I say it may be that

these things had their influence. But I speak alone for myself—not undertaking to state the position of other members of the Council—while I approved the “pith and marrow” of the twelfth section, I was willing to accept the seventh section of the present platform in lieu, because it embodied the same principle.

My colleague makes the point against me, that the thirteenth section embraces a specification against the Administration for “reopening sectional agitation by a repeal of the Missouri Compromise.” I will inform my colleague that I proposed to strike out that specification, and every specification in the thirteenth section; but, there being much disorder at the time, I failed to succeed. I did *not* think the Administration *had brought about* a repeal of the Missouri Compromise. I knew that when Senator Dixon first proposed that repeal, the organ of the Administration at Washington assailed him promptly, and long afterwards declared that support of the Nebraska bill ought not to be regarded as a Democratic test.

The question was subsequently about being put in the American Council, Shall the new platform be adopted in lieu of the old? when some member proposed a division of the question, which was agreed to, and the vote was first taken upon *striking out* the old platform. I voted *against* striking out, but the proposition carried. Then the question recurred upon the adoption of the *new* platform. I voted *for its adoption*. I did it just as I voted for the Kansas-Nebraska bill, in 1854, with some minor objections, which I stated at the time. When the Nebraska bill came from the Senate, it embraced, for example, the Clayton amendment, restricting the elective franchise to citizens of the United States. I preferred the bill in that shape, as I explained. But a substitute was offered in the House, leaving out the Clayton amendment, and I voted for that substitute, believing that if those who thought with me should make a point upon that particular amendment, harmony among the friends of the bill might be so far disturbed as to endanger the bill. I was for the bill earnestly as a whole; and the positions taken in my argument at the time I have at all times steadily maintained—before my constituents—here, since I returned to this Hall—at Philadelphia—everywhere, where I have discussed the question.

But to make the most of that specification in the platform, it is but an expression as to a *by-gone* issue, while the seventh section of the platform lays down a vital principle of action for the *present* and the *future*, covering the whole ground, and re-asserting the leading principle embodied both in the old 12th section and in the Nebraska act.

Mr. JONES, of Tennessee. With my colleague's permission, I desire to ask one question. It is not my habit to interrupt gentlemen and I should not do so now, but from the fact

that it is claimed in some places, and particularly in our own State, that that twelfth section recognises the same principle which is contained in the Kansas-Nebraska act, and that it recognises the right in the people of the Territory of Kansas to prohibit or admit slavery while in a Territorial condition, I ask my colleague if he so construes that seventh section?

Mr. ZOLLICOFFER. I stated my position a few moments since upon that precise point. I placed it on record when the Nebraska bill was on its passage, and I beg leave to say to my colleague [Mr. JONES] that I cannot now properly consume more time in dwelling upon it.

My colleague [Mr. SUMN] objects to the platform adopted by the American party, because it has not the word “slavery” in it, and he argues that thereby, and therefore, we *ignore* the question of slavery. Mr. Chairman, it is a little remarkable that the very next gentleman who followed my colleague in debate—the Republican member from New York [Mr. GRANGER]—made an argument that slavery is ignored by the Constitutions of the General and State Governments, *because the word slavery is not to be found in the Constitution of the United States*, and was not to be found in the constitutions of any of the original thirteen States. My colleague then bases his objection to that section of the platform upon the precise line of argument which Republicans and Abolitionists assume in denying the legal existence of slavery—in denying that the constitutions of the States, and the Constitution of the United States have recognised the institution, *because the word “slavery” is not inserted in them*. Does he not see into what fatal errors such assumptions lead?

My colleague expressed regret that I had remarked, in debate here, that I regarded men who lived in the South, and believed in the constitutionality of the Wilmot Proviso, as being, though not intending it, more dangerous to the South than Northern Abolitionists. Here, again, my colleague does not present correctly the sentiment which I uttered. It will be remembered that, on the 17th of January last, a distinguished member from Georgia, [Mr. SUMNERS,] seeing me reported in the Globe of that day, somewhat as my colleague now reports me, propounded questions which enabled me promptly to state the idea I wished to be understood as expressing. I then stated (see Appendix Congressional Globe, pp. 57, 58, 59,) that what I meant to say was, that the theory of the constitutionality of the Wilmot Proviso, particularly if held by Southern men, was more dangerous, and had done more damage, to the constitutional rights of the Southern States than the open efforts of Northern Abolitionists. I explained that I did *not mean* to say that gentlemen who entertained that be-

lief were *less patriotic* than those who believed as I do, that the Federal Government has no such constitutional power. I did not say that *they* were more dangerous than Northern Abolitionists, but that *that theory or political doctrine* was more dangerous, and had done more damage to the South than the open efforts of Abolitionists. On the contrary, I expressly stated that there were many *patriotic, national men* who had fallen into that erroneous theory. My colleague's vindication of their patriotism, therefore, and his remark that he would prefer to vote for such a man than to vote for an out-and-out Free-Soiler, would seem to give rise (however intended) to an erroneous inference as to what my actual position was.

Why do I think that that theory of the Constitution is more dangerous than the open efforts of avowed Abolitionists? The open efforts of avowed Abolitionists are *impotent* for harm, because the masses of the American people sternly reprobate them as inimical to the Constitution and to the stability of the government; but, when Southern statesmen, whose patriotic purposes are not doubted, gravely declare that they believe the Wilmot Proviso is constitutional, the politicians and people of the North are not slow to adopt this theory; and then the only question left with them is, is it *expedient* to enact the Wilmot Proviso? Believing, as the masses in the North do, that slavery is wrong, regarding it as "obnoxious," as leading Democrats do, whom my colleague regards as sound and true statesmen, is it wonderful what demonstrations we have had in the North in favor of the Wilmot Proviso *after the surrender of the constitutional question by those trusted at the South?* The letter of Mr. Buchanan of the 28th of December last, published in the newspapers of this city a few days ago, is a striking illustration of the damage which that constitutional surrender has done the South. Mr. Buchanan had been an advocate of the Missouri restriction; he had labored to extend the line prohibiting slavery, as marked out by Federal power, to the Pacific ocean. He now agrees that "the Missouri Compromise," as he calls it, "is gone, and gone forever." "But," he says, "no assault should be made upon those Democrats who maintained it." "It is well known how I labored, *in company with Southern men*, to have this line extended to the Pacific ocean."

Now, mark the palliation, "*in company with Southern men*," which this powerful and trusted statesman feels constrained to make for his departure from the true constitutional theory of the Government! The Federal Government has no constitutional power to prohibit slavery in the Territories; and the true theory is now asserted in the American platform, that the people of the Territories, in forming their State constitutions, have the right to determine this question for themselves.

But is it not a little remarkable that the same politicians and newspapers which but a few weeks ago were assailing the American party for "premitting" this question in the twelfth section of the June platform, now assail me because I assume that it was a great error for Southern men to concede that the Federal Government had such powers? A few days before the Philadelphia Convention met, in February last, the Washington Union, assailing that twelfth section, said:

"It is a *fatal surrender of the groundwork of true nationality* to expressly premit an opinion as to the power of Congress to prohibit or establish slavery in the Territories." . . . "During this long struggle (for Speaker) we have yet to see the evidence that Messrs. Marshall, Zollicoffer, or any other of their Southern brethren, conceded that the Nebraska bill was an obnoxious act, or that the repeal of the Missouri restriction was a breach of plighted faith." . . . "How can these gentlemen now go into the Philadelphia Convention, and agree to allow the unsound clauses in the twelfth section, to which we have directed attention, to stand as the rule of their nationality?"

This is but one of many examples. Now, however, when we have a platform which does *not* "premit" this question, and it is disclosed that the most exalted and trusted Democrats openly assert the *Federal power to prohibit slavery*, I am assailed for pointing out the danger of such doctrine to the Southern States.

My colleague attacks the gentleman from Pennsylvania, [Mr. FRICK,] for whom I voted for Speaker, charging that in 1849 he was "a Wilmot provisoist up to the hub," and "nominated on an Abolition platform," and that last year he "defeated Mr. Wright upon the ground that he (Mr. Wright) voted for the Nebraska bill." The gentleman from Pennsylvania has been absent from the Capitol for more than a month, and is not here to defend himself. I have no means of knowing anything of the reliability of the grounds upon which my colleague makes these charges; but, when here, the gentleman from Pennsylvania stated in his place in the House that he had "never been called upon to affirm or deny the constitutionality of the Wilmot proviso," and had "never taken any public position upon that subject before," but was "willing, in all frankness and candor, to do so now," and then proceeded to say: "I hold, in the absence of express authority, that Congress has no constitutional right to legislate upon the subject of slavery." Again, he said, "I am opposed to any legislation on those subjects," (alluding to the restoration of the Missouri restriction, and to the prohibition of slavery in the Territories.) As to beating Mr. Wright, he said, "it was not the anti-Nebraska issue which determined that election." My colleague makes, therefore, direct issue with the declarations of the gentleman from

Pennsylvania, and does not disclose upon what authority he does so, or furnish any evidence that it is genuine.

My colleague defends the strange and important part he took in the late election of Speaker, in moving and voting for the plurality rule, and thereby securing the election of the present incumbent of the chair. I am not at all surprised that he should do so, after what I have seen in the newspapers, and what I have read in my letters from home; and recollecting that my colleague has recently been at home, and heard the thunders of disapprobation which are being visited on him for making that movement—I say I am not at all surprised that he should seize the first opportunity, without waiting for attack here to defend himself as well as he can, in that particular action.

I propose, Mr. Chairman, to look at the political record connected with this action for a moment. We had been engaged in a long struggle over the Speakership. My colleague, as early as the middle of December, seemed to be somewhat restless, and, addressing the House, said he was solicitous that an election should take place. He said that those opposed to the extension of slavery had a large majority, and asked them why they did not elect their man? He surmised that the difficulty probably grew out of unsettled questions as to how the committees should be formed. He asked, if the majority cannot organize the House, "who can do it, and how can it be done?" He could not "vote for the man who entertains the principles of that party," but he said, "I want to see an organization, and I hope it will soon be effected."

Subsequently there were various propositions made to institute the plurality rule. They failed, by dint of the united votes of National Americans and Democrats, with a few Republicans who were opposed to Mr. BANKS. This brought about a discussion among members as to what would be the effect of that rule. The question was also discussed in the newspapers. And what was the public opinion in the House and out of the House? What was the opinion of Southern men, Northern men, Democrats, Americans, and Republicans? Why, that if the plurality rule was adopted Mr. BANKS *would be elected Speaker!* Under these circumstances, my colleague, on the 2d of February, renewed the proposition to adopt the plurality rule. He seems to have solved, in his own mind, the question, "*Who can do it, and how can it be done?*" His proposition was carried by Republican votes, and those of a few Democrats, to-wit: Messrs. BARCLAY, CLINGMAN, HERBERT, HICKMAN, JEWETT, KELLY, S. A. SMITH, and WILLIAMS—the National Americans and the great body of the Democrats voting against it.

My colleague makes the argument that the

half dozen national Americans who, under his plurality rule, voted for Mr. FULLER, are alone responsible for Mr. BANKS's election, because they had, the day before, voted voluntarily for Mr. AIKEN. It was well known that, while they were very willing, if left to act for themselves, to vote for a Democrat, they were *not willing to do so under compulsion*. They had voted in a body, at different times, for more than one Democrat, and were willing to continue to do so; but they resisted the plurality rule. After my colleague moved the plurality rule, and before the vote was taken upon it, Mr. CARLILE, a national American, offered the following resolution as a substitute for my colleague's proposition:

"Resolved, That the Hon. WILLIAM AIKEN, a Representative from the State of South Carolina, do, and he is hereby, declared the Speaker of the Thirty-Fourth Congress."

My colleague *objected*; and the previous question (demanded also by my colleague) having been seconded, the resolution could not be acted upon. He seemed resolved to *force* us under a rule which he knew was very obnoxious. Having succeeded in this, the candidate of the Democratic party [Mr. ORR] immediately *withdrew in favor of Mr. AIKEN*; apparently with a view, if not expressly to give to the proposed test article of *Democratic pre-arrangement*, (which was, of course, distasteful to Americans, who, in a spirit of liberality, already yielded everything but principle,) at least with a view of forcing a direct test between AIKEN and BANKS, under the plurality rule. And this, too, when Democrats had refused to vote for an American under any circumstances!

Mr. SMITH, of Tennessee. If my colleague will allow me to interrupt him for a moment, I desire to ask him this question: Did not a sufficient number of Americans vote for the gentleman from South Carolina, [Mr. AIKEN,] the day before, to have elected him on the first vote under the plurality rule; and whether, if the same members of the American party who voted for Governor AIKEN on the day before had voted for him on the day the election took place, it would not have elected him?

Mr. ZOLLICOFFER. It is true that the American party had voted for Governor AIKEN voluntarily; but they had not voted for him under the circumstances which existed when the election took place. They had not voted for him when the candidate of the Democratic party had withdrawn. They had not voted for him when the Democratic party had united with the Republicans in forcing on us the plurality rule. And sir, this union took place after the gentleman from Georgia, [Mr. TELFE,] a member of the American party, had stated that that party would not vote on compulsion.

Mr. SMITH. My colleague did not answer as to whether, if the same members of the

American party who voted for Mr. AIKEN the day before had voted for him on the day of election, he would not now have been the Speaker of this House?

Mr. ZOLLICOFFER. As the whole body of Americans did vote for Governor AIKEN the day before, and did not elect him, how does it appear that they *could* have elected him? And how is it that they *did not* elect him? What were the Democrats doing then?

Mr. SMITH. If my colleague will allow me to ask him one other question, I will not take up his time further. Did not the gentlemen from New York, [Messrs. WHITNEY, VALK and BAYARD CLARK,] and the gentlemen from Pennsylvania, [Messrs. BROOM and FULLER,] vote for Governor AIKEN; and if they had voted for him on Saturday would he not have been elected?—whether they did not vote against him on that day?

Mr. ZOLLICOFFER. The records show how gentlemen voted—I cannot tell whether the whole American vote would have elected Mr. AIKEN, unless I knew how Democratic votes would have been cast in that event. But my colleague should not take up my time to catechize me in this irregular manner.

Mr. SMITH. Very well. I have stated that fact in my speech, and I will not take up the time of my colleague by further referring to it.

Mr. WHITNEY. I will take pleasure in explaining the remark of the gentleman from Tennessee, [Mr. SMITH,] so far as I am personally concerned, if the committee will give me an opportunity, when the gentleman has concluded his remarks.

Mr. VALK. If the gentleman from Tennessee will allow me for one single moment, I desire to state what will be within the recollection of many gentlemen here, that I was not in the House when the final vote on the election of Speaker was taken, and therefore the statement of the gentleman from Tennessee, [Mr. SMITH,] that I voted against Governor AIKEN cannot be correct.

Mr. SMITH. I should like to know where the gentleman was? He was in the House immediately before the vote was taken.

Mr. VALK. I was not.

Mr. ZOLLICOFFER. My colleague has a theory with regard to the Democratic party, which I wish to examine. In his speech the other day, and in the one to which he then alluded, made at the last Congress, he laid down the positions that his party is one of strict constructions of the constitution—that its elementary principles have ever been the same—that it is a true and sound national party, and should be relied upon to protect the interests and rights of the South. In this connection I remember that, having assumed that I had attempted to throw discredit upon the Democratic candidate for Speaker, [Mr. RICHARDSON,] he asks if it is not time that these

assaults upon the sound Democrats of the North should cease? I think it demonstrable that these positions of my colleague are all more or less fallacious.

But first, a word as to Mr. RICHARDSON. My so-called "assault" consisted merely in propounding questions which *drew from him his own real opinions*. He disclosed, that he was still the advocate of the constitutionality of the Wilmot Proviso, and that under certain circumstances he had, in 1850, pledged himself to vote for it; but that he now repudiated the pledge to vote for the Wilmot Proviso, which I was really much gratified at, for I have long regarded the gentleman from Illinois as one of the soundest of Northern Democrats. So I regard other prominent Democrats of that State, at the head of whom stand Senators Douglas and Shields. But, while I concede this, is it not my right, nay, my duty, to point out the yet very great unsoundness of their actual, recorded opinions? If such exposures embarrass them, or gentlemen who endorse and support them, it is not *my* fault, but the fault of the political records they have made for themselves. For example, I have a sketch of a speech before me, which General Shields made in defence of the Nebraska bill, at Springfield, Illinois, in the fall of 1854, which appeared in the Washington Union of October 28, of that year. Now, remembering that the Nebraska bill is the present Democratic platform, this extract is important. Here it is: see upon what ground he defends that measure! He said:

"Kansas and Nebraska were *free now*, and the people there would *keep them free*. The establishment of slavery in those Territories was not only improbable, but *impossible*, and it was always wiser and better to let people work out a great good for themselves, than have it forced upon them by others; and this was the way in which freemen always do what is great and good, by their own free and voluntary act. The principles of non-intervention would not only keep Kansas and Nebraska what they are now—*free*—but would by its full and fair operation, if we acquire the continent to the Isthmus of Darien, *work with such powerful force and effect that no man would ever see another slave Territory on this continent.*"

The Washington Union, in the article copying this extract, expresses its *gratification* that General Shields is, in the canvass in his State, giving *powerful aid to his distinguished colleague, Judge Douglas*, and remarks, that in this particular speech, "*he sustained the principles of the Nebraska bill, with great force and effect!*" He was giving powerful aid to Judge Douglas. And what was Judge Douglas doing? I have no copies of the speeches he was making in Illinois; but I have an extract of a letter he addressed to the editor of the Concord (N. H.) Patriot, dated February 16, 1854, in which, speaking of the

allegation in the North that the Nebraska bill opens the whole country to slavery, he asks:

"Why do they not state the matter truly, and state that it opens the country to freedom, by leaving the people perfectly free to do as they please?"

This is very similar to sentiments expressed by the same distinguished gentleman in the Senate, in his speech on the Territorial question, on the 13th and 14th March, 1850. He said:

"Last year I introduced a bill for the admission of all the country acquired from Mexico by the treaty of peace into the Union as one State, reserving the right to form new States out of any portion of said territory lying east of the Sierra Nevada mountains." * * * "If my bill of last session had become the law of the land—which it certainly would have done if he (Mr. HALE) had not united his forces with those of the Senator from South Carolina [Mr. CALHOUN] to defeat it—the whole of the territory acquired from Mexico would, at this moment, have been dedicated to freedom forever, by a constitutional provision."

In the same speech, speaking of the effect of his own amendment to the Texas annexation resolution, he said:

"While Texas remained an independent Power, it was all slave territory, from the Gulf of Mexico to the forty-second parallel of latitude. By the resolution of annexation, five and a half degrees of this slave territory, to-wit: all between thirty-six and a half and the forty-second parallels were to become 'fixed, pledged, fastened to be free, and not 'slave territory forever, by the solemn guarantees of law.' Here is a territory stretching across five and a half degrees of latitude, withdrawn from slavery and devoted to freedom, by the very act which the Senator [Mr. WEBSTER] has chosen to denounce and deride as the work of the Northern Democracy."

"And when the northern Democrats are arraigned and condemned for having contributed to the extension of slavery, the five and a half degrees of latitude north of 36 deg. 30 min., for which provision was made to be converted from slave into free territory absolutely, and probably double that amount south of that line by the action of the people themselves when they come to form a State constitution, ought to have been brought to the notice of the public, and put to our credit in the statement of the account."

Here we have Judge Douglas's own interpretation of his own action, connected with the three most momentous measures touching the public territories, for which his southern friends give him so much credit! Is it not legitimate to present these record facts of history? Still it is just to say, that Messrs. Douglas, Shields, and Richardson, are of the very soundest of northern Democrats, and are really entitled to much credit for the patriotism and general nationality of their sentiments.

They are far better than the masses of the Democratic party at the North, who have been so fearfully complicated with Free-Soilism and

the Wilmot proviso. So generally has this been so, that, after Mr. Pierce's nomination for the Presidency, the Washington Union, edited by a Tennessean, was forced to say—at least, I have often seen this language quoted from it:

"The Free-Soil Democratic leaders of the North are a regular portion of the Democratic party; and General Pierce, if elected, will make no distinction between them and the rest of the Democracy in the distribution of official patronage, and in the selection of agents for administering the Government."

The public offices were accordingly filled, to a great extent, by Free-soil Democrats from the North—such as Dix, Bishop, Cochrane, Fowler, Crocker, &c.—while sound national men—such as Dickinson, Bronson, and others—were neglected or proscribed. W. J. Brown, of Indiana, who would have been made the Democratic Speaker of this House, in the Thirty-Second Congress, but for the accidental discovery that he had given a written pledge to Wilmot that he would compose the committees with Free-soil majorities, was appointed to, and now holds under the Administration a high and important office. The present Secretary of the Interior is a Wilmot Proviso Free-soiler of so strong a type as to deny that slaves are property. Our Minister Plenipotentiary to Russia is a Free-soiler. Of the seventy delegates appointed by the Softs to attend the Democratic convention in June next, all were old Buffalo platform Free-soilers of 1848 (says the New York National Democrat) but seven. But I have not time to go further into these prolific details.

What is the present ostensible position of the Democratic party? Why, its platform is not founded upon principle at all, but upon a solitary measure—the Nebraska bill—which is construed variously by its various supporters. General Cass, for example, heads those who see in it squatter sovereignty; my colleague is of those who understand it very differently; General Shields is of the class who think it a measure "for freedom;" and the distinguished C. C. Cambreleng, as orthodox a Democrat as any of them, is in love with it, because he says it will so operate as to leave "not a single square inch of slave territory in the United States."

Where, then, is the identity of principle—where the soundness of the Democratic party, of which my colleague speaks? The same radical differences of opinion which characterize them on slavery questions, also attend them on other leading branches of public policy. But my colleague claims that his party are strict constructionists; and, before I leave this slavery question, let me call attention to the fact that there is a large section of the Democratic party who are such strict constructionists that they deny that the Federal Gov-

ernment had the constitutional right to pass the present fugitive slave law.

Mr. SMITH, of Tennessee. Do I understand my colleague to say that any recognised party of the Democratic party at the North resist the execution of the fugitive slave law?

Mr. ZOLLICOFFER. I cite the late distinguished gentleman from Massachusetts, Robert Rantoul, Jr., formerly a member of this House. Mr. SMITH. Mr. Rantoul was an Abolitionist, and was turned, heels over head, out of the Baltimore Convention, in 1852, upon that very account.

Mr. ZOLLICOFFER. I will give my colleague another instance, not of a Northern man, but a Southern man, I mean the present Secretary of War, who is reported as saying, in a published speech, that "when any State in the Union shall choose to set aside the (fugitive slave) law, it is *within her sovereignty and beyond our power*." And further to have said, that in such contingency, "*I, for one, will never give my vote to extend the area of the Federal power for her coercion*."* Such is the extent to which strict construction is carried in the Democratic party!

Now, as we have seen there is no unity of sentiment among Democrats upon slavery questions, where do we discover the unity? Is it to be found in questions relating to the disposition of the public lands? Look at the votes taken in this Hall, and you will find that the Democratic members have been divided upon every sort of land question. Is it upon improvements of rivers and harbors?—upon the homestead bills?—upon the Pacific road?—or any other leading subject of legislation? The same contrariety of position is found among Democratic members in all! It was but the other day that the Democratic member from Virginia [Mr. Lawrence] read us a strict construction lecture upon the Pacific railroad, and yet my colleague is in favor of that measure.

In regard to internal improvements, let me

* The language here quoted I have seen attributed to the distinguished gentleman in what purports to be an extract of a speech which was published in the newspapers; but I am at present unable to state what particular speech. I do not find the language employed in his remarks in the Senate in 1850, when the present Fugitive Slave act was discussed, for which act he voted, with an expression of the wish that the provision of the Constitution for the rendition of fugitives from service had stood unaided by Congressional legislation to that day, and that the moral sense of the community had been relied on, and State legislation left to provide for its execution; but expressing a willingness, within the limits of his opinion as to what Congress may do, to leave to the border States to frame the law as they may think best. As to the language quoted above, I will endeavor soon to determine the precise source from which it comes.

ask my colleague whether he did not vote for the great river and harbor bill of last Congress, which was passed by a large majority in a House having a Democratic majority of eighty-six—which also passed a Democratic Senate, but was vetoed by the President upon the ground that it was *unconstitutional*!

Mr. SMITH. I did vote for it, and I should vote for it again; and I do not look to the President to form opinions for me upon constitutional questions.

Mr. ZOLLICOFFER. My argument is thus illustrated, that there has been no unity of opinion or action among Democrats, either upon the slavery question or any other, unless it is that unity which holds together a body of men of diverse and extreme opinions for the sake of party success.

It is proper to say, that while I belong to the American party, and am an ardent American, for reasons which I have assigned to my constituents, and am ready to assign on all proper occasions, there are those who are said to belong to the American or Know-Nothing party from whom I differ so widely upon slavery questions, and upon other questions, that I can have no political affiliation with them. There were some such for a time in the National Council at Philadelphia, and I very plainly so declared to them. It is right and proper that we should be candid upon such matters; and I think my colleague has fallen into a very great error in propagating the idea the other day, and in his speech a year ago—and as he is in the habit of doing—that the Democracy is a unit in elementary principles, of sound national materials, and ought to be securely trusted by the patriotic masses, who would guard and preserve the Constitution and the Union. It is a great fallacy, sir.

The Americans have nominated sound national men for President and Vice President, who will faithfully regard the constitutional rights of every section of the Union. My colleague says that unless the South can unite, and defend those men in the North who stand by the guaranties of the Constitution, *the Union is gone*. Why, then, should not Union-loving men in the South at once unite upon Millard Fillmore? My colleague says the only effect of his nomination is to "divide the South." Why should it do so? Why should the Democratic party nominate a separate ticket, and thus "divide the South?" In the struggle for Speaker, the Americans, sinking party, voted for Democrats, to prevent a northern sectional organization; but Democrats would not under any circumstances vote for an American.—With such spirit of proscription, what do they mean by saying the South should unite? My colleague says the Americans have no hope of carrying any State in the North. Let him wait and see! What States have the Democrats carried? Where is the evidence that

any man they can nominate can beat Millard and more disclose the sectional and abolition purposes they have in view. Soon, I trust, contend against both the Democratic and Republican parties—the Republicans wishing to merge everything into organization against slavery, and Democrats desiring to sink every quarter of the Nebraska bill, and its interpretation, in the conservative men of the North, and West, seeing the danger to which must follow the formation of two great geographical parties, and knowing Mr. Fillmore as the true and tried patriot who guided the ship of State in the storm of 1850, will gather around his standard, and build up a great national party, to stand as a breakwater between those extreme parties which, for political success, would seem to be ready to put even the stability of the Government to the hazard.

Thousands of conservative men in the North, temporarily drawn into combination with Republicans against the Nebraska bill, have already abandoned them, and thousands more will continue to do so, as the Republicans more

think it the *best Democratic policy, too*. So that, between them, we are likely to have great efforts made to keep up the agitation, similar to that of 1848 and '49, which came very near dissolving the Union. The Americans stand between this cross-firing—they have to grapple with both Republicans and Democrats—but they feel that they are strong in their national, conservative sentiments—strong in their candidates—strong in their duty to the constitution and the Union, and that they will win popular strength from all who would not see the government destroyed in sectional strife.

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